

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA, EX
REL. MICHAEL N. SWETNAM, JR.,

Plaintiff,

VS.

VALLEY BAPTIST HEALTH
SYSTEM AND VALLEY BAPTIST
MEDICAL CENTER,

Defendants.

CASE NO. 1:08-CV-446

**MOTION FOR LEAVE TO FILE PLAINTIFF'S REPLY TO DEFENDANTS' MOTION
FOR PROTECTION AND MEMORANDUM IN RESPONSE TO PLAINTIFF'S
MOTION TO COMPEL DEFENDANTS TO PRODUCE
DOCUMENTS AND DEPOSITION WITNESSES**

Plaintiff, United States of America *ex. rel.* Michael N. Swetnam, Jr., (collectively, "Plaintiffs") file this *Unopposed Motion for Leave to File Plaintiff's Reply to Defendants' Motion for Protection and Memorandum in Response to Plaintiff's Motion to Compel Defendants to Produce Documents and Deposition Witnesses*, and, in support, would respectfully show the Court the following:

1. On August 15, 2014, Plaintiff filed his Motion to Compel Defendants to Produce Documents and Deposition Witnesses [Doc #107].
2. On September 4, 2014, Defendants filed their Motion for Protection and Memorandum in Response to Plaintiff's Motion to Compel Defendants to Produce Documents and Deposition Witnesses [Doc #112].
3. Plaintiff's Reply was due on or before September 15, 2014, but due to a technical error within our electronic calendaring system, Plaintiff's reply deadline was inadvertently missed. *See* Plaintiff's Reply attached hereto as Exhibit "1."

4. Plaintiff's counsel conferred with counsel for defendants regarding their willingness to agree to this Motion for Leave, and those attempts to confer are continuing to this day, but the most recent statement, made on September 18, 2014, was that the Defendants have not yet taken a position on this Motion for Leave. Consequently, this Motion for Leave should be considered OPPOSED.

5. Plaintiff's Reply will assist the Court because it eliminates many of the discovery items contained in Plaintiff's Motion to Compel. After Plaintiff's Motion to Compel was filed, the parties were successful in resolving many of the items contained in the Plaintiff's Motion to Compel. Therefore, the Reply focuses this Court's attention on the only items that remain in dispute and require the Court's action.

6. Because the Reply assists the Court by narrowing the scope of items that require the Court's attention, and because no party will be prejudiced by the filing of the Reply, this Motion for Leave should be both unopposed and granted.

7. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court grant Plaintiff's Unopposed Motion for Leave to file Plaintiff's Reply to Defendants' Motion for Protection and Memorandum in Response to Plaintiff's Motion to Compel Defendants to Produce Documents and Deposition Witnesses, and for all other and further relief to which he may show himself to be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF UNITED
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CERTIFICATE OF CONFERENCE

I, Edward W. Allred, hereby certify that I conferred with counsel for Defendants several times regarding the foregoing motion for leave and relief sought and they have not taken a position on this motion.

/s/ - Edward W. Allred
EDWARD W. ALLRED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the following attorneys of record in accordance with the Federal Rules of Civil Procedure on this 19th day of September, 2014:

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